

Improvement Res. No. 971-1958

For the Vacation of Pennsylvania Street
from the west property line of Dubois
Street to the east property line of the
first alley west of Dubois Street.

Resolution Adopted:

April 22, 1958

Confirmed:

5-15-58

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Report Completed:

Assessment Roll Confirmed:

Nov. 24, 1958

DECLARATORY RESOLUTION NO.
B. O. # 184 - '58

941-1958

For the Vacation of Pennsylvania Street from the west
property line of Dubois Street to the east property line
of the first alley west of Dubois Street.

PLANS ORDERED: April 21, 1958

ADOPTED: April 22, 1958

ADVFTISE: NOTICE TO PROPERTY OWNERS: Apr. 25 & May 2, 1958

HEARING ON CONFIRMATION: Thurs. May 15, 1958, 7:30 P.M.

CONFIRMED: May 15, 1958

ASSESSMENT ROLL ORDERED: May 15, 1958

ASSESSMENT POLL APPROVED: Nov. 5, 1958

HEARING ON CONFIRMATION
OF ASSESSMENT: Mon., Nov. 24, 1958, 6:30 P. M.

NOTICES SERVED: Thurs., Nov. 13, 1958

ASSESSMENT ROLL CONFIRMED: Nov. 24, 1958

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of Pennsylvania Street from the west property line of Dubois Street to the east property line of the first alley west of Dubois Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Pennsylvania Street from the west property line of Dubois Street to the east property line of the first alley west of Dubois Street.

All as shown by a plan of such proposed ~~Opening~~ Vacation ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 36 and 37, White's 2nd Addition. Said addition inclusive to the City of Fort Wayne, Indiana

~~All lots and lands~~

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by ^{and} above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

The vacation of the above described Street ~~and alleys~~ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the northwest quarter of Section Seven, Township 30 north, Range 13 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 22 DAY OF April 19 58

Attest:
Secretary Board of Public Works.

[Signature]
Board of Public Works.

OFFICE OF
BOARD OF PUBLIC WORKS
RUSH
BO-184-58



FORT WAYNE 2, INDIANA

Date April 21, 1958

To EDWARD GREEN, CITY ENGINEER

Subject VACATE - PORTION OF PENNSYLVANIA ST. (DUBOIS SUBSTATION PROJECT)

Immediately prepare a resolution for the vacation of Pennsylvania Street from Dubois Street to the first alley west of Dubois Street.

This is in connection with the City Light & Power Works' Substation requirements.

We have reached an agreement with Mr. S.K. Frankenstein, concerning his lot. We should now proceed immediately with this project.

B.J. Swanson
B.J. SWANSON, CHAIRMAN
BOARD OF PUBLIC WORKS

Signed JLH: jm

Attachment

Reply:

April 22, 1958

Declaratory Resolution No. 971-1958 for the vacation of Pennsylvania Street from the west property line of Dubois Street to the east property line of the first alley west of Dubois Street, completed and attached.

Donald E. Bodeker
Donald E. Bodeker,
Office Engineer

Signed DEB/mkh

SENDER: REMOVE & KEEP 2ND COPY — RECEIVER: ANSWER KEEP 3RD COPY & RETURN 1ST COPY TO SENDER.



CITY UTILITIES

PHONE A-7441

308 E. BERRY STREET

F O R T W A Y N E 2 , I N D I A N A

April 17, 1958

Board of Public Works
City Hall
Fort Wayne, Indiana

Gentlemen Subject: City Light and Power Works' Petition to Vacate
the 133 Feet West End Portion of Pennsylvania St.

Needed expansion of City Light's Dubois Substation will require the acquisition of additional land adjacent to the present Dubois Substation.

The land south of the Substation appears best suited for our expansion and it has been recommended by Associate City Attorney, William Merrill, that we proceed as a first step in our needed land acquisition with the vacation of the stub end of Pennsylvania Avenue west of Dubois Street.

If the Pennsylvania Avenue vacation is accomplished, City Light as one of the abutting property owners would obtain a parcel of land 20 x 133 feet and Mr. Frankenstein, the other abutting property owner, would obtain the remaining 20 x 133 foot parcel.

City Light would then be in a position to acquire by condemnation or negotiated purchase the present land owned by Mr. Frankenstein plus the parcel obtained by Frankenstein upon the vacation of the stub end of Pennsylvania Avenue.

Attached you will find Mr. Mackay's report on this proposed land acquisition together with a map which we hope will provide the Board with all the information for the commencement of vacation proceedings.

Sincerely,

Fred Faustel
General Superintendent

gk
Attachments (2)

cc: Mr. Wm. Merrill
Mr. C. W. Mackay

RUSH

REPORT ON EXPANSION OF DUBOIS SUBSTATION

By: C. W. Mackay
March 20, 1958
Revised April 9, 1958

1. Existing building and outdoor transformers are within a wire fenced enclosure about 20 feet along Dubois Street by 135 feet back from Dubois Street. The property is at the northwest corner of Dubois intersection with Pennsylvania Street, lots 35 and 36 of White's Second Edition. (See drawing from City Engineer's Office, sheet 95 attached).
2. A 11 feet wide unimproved alley runs north-south, parallel to Dubois Street, bearing in the rear of our Dubois Substation. This alley is west (rear) boundary of our property, and of all other properties that front on the west side of Dubois, between Maumee Avenue and the south extremity of Dubois Street at McDonald Street.
3. Pennsylvania Street (west bound) crosses Dubois Street and ends at the east line of the aforesaid alley next west of Dubois. Pennsylvania Street width here is 40 feet. It widens to 50 feet east bound at the alley next east of Dubois Street.
4. Pittsburgh Street, 40 feet wide which is the next street north of Pennsylvania, also crosses Dubois Street westward, and ends at the east line of the aforesaid alley next west of Dubois.
5. Winch Street, which is the next street north of Pittsburgh, also crosses Dubois Street westward, but continues on westward; it crosses Wabash Avenue and ends against Trent Avenue, which is the street next west of Wabash Avenue.
6. Wabash Avenue extends north from Wayne Trace on the south, to Washington Boulevard on the north. It crosses Winch Street and Maumee Avenue, en route.
7. There is an east-west alley, between Maumee and Winch, running west bound from Dubois. There is also an east-west alley, between Winch and Pittsburgh, running westbound from Dubois. There is no west bound alley from Dubois anywhere between Pittsburgh and Pennsylvania.
8. The south end of Dubois is somewhat unusual. Old maps show that it ran south to end against McDonald Street, which ran eastward along the north edge of Wabash and then right at way, from Fletcher Avenue eastward to Kitch Avenue.
9. As conditions now exist, there are return curbs in the east and west curbs of Wabash Avenue, just north of the railroad right-of-way at Wabash Avenue. These curbs connect to the old position of McDonald Street. However, McDonald Street was vacated in irregular fashion as shown on sheet 95 of City Engineer's map. There is a metal plating works on the east side of Wabash Avenue, adjacent (next north) to the north line of the railroad.

REPORT OF ENGINEER OF DUBOIS SUBSTATION

4. Dubois Street, also the alley next west of Dubois, now end southward, at an intersection 15 to 20 feet wide concrete paved east-west alley that lies adjacent to the property of the printing company, which is located on east side of Wabash Avenue, just north of the Wabash Railroad crossing of Wabash Avenue.
5. The final 133 foot run of Pennsylvania Street, westward from Dubois Street to the alley next west of Dubois, is ungraded, unsurfaced and is not used by vehicles for access, for any vehicle entry eastward into Dubois Street. These alley vehicles have access to Dubois and to Wabash Avenue via Winch Street or Pittsburgh Street, or the east-west alley that connects Wabash Avenue to Dubois Street at the south end of Dubois Street. Also the alleys mentioned in 3d.
6. Subject above is dealt with in advance of the recommendation of this report, to indicate that our proposal to close the west end of Pennsylvania Street from Dubois Street westward to the alley next west of Dubois may meet with some resistance by property owners at addresses 1345-1427 Wabash Avenue, being about a dozen houses whose garages (if usable) open onto the alley next west of Dubois - but who do not use present west end of Pennsylvania Street for entry to either Wabash Avenue or Dubois Street. See item 7. Some of the house owners on east side of Dubois Street, north of our Substation, may also object.
7. City of Dunes needs to acquire more land at Dubois Substation to increase the electrical facilities there to properly serve the users in the related area, including needed additional service to the all-important City Sewage Treatment Plant on Dwenbe Avenue.
8. This question has been given to idea of acquiring two 40 foot frontage lots 1414 and 1418 Dubois Street - lots 33 and 341 next north of our substation, on the west side of Dubois Street. Each of these is 133 feet deep and contains a substantial house of fairly recent date and it is my opinion that it would take \$20,000 to acquire these two properties, with little credit by selling the houses for removal. This might be our last resort, but an alternate plan of lesser cost is submitted as our recommendation, namely:
1. Legal action to vacate the westerly end of Pennsylvania Street, west of Dubois Street, being 133 feet in length by 40 feet wide, extending for 133 feet westward from Dubois Street to the east line of the 14 foot alley next west of Dubois Street.
2. Under 1C above City utilities would acquire the north half of the 40 x 133 foot area vacated, same being adjacent south against our present south fence of substation. The south half of the area vacated would go to the owner (Mr. B. L. Frankenstein) of the 40 foot front by 133 foot deep corner lot (Lot 37) on the west side of Dubois Street, being the lot adjacent to the south line of Pennsylvania Street proposed to be vacated.
3. Mr. Frankenstein was contacted by the writer last Fall about selling us his lot 37. He said he would sell it for \$5,000 and stated that his price included his resignation of our favorable position that if we bought his land we could vacate Pennsylvania Street and thereby acquire the full 40 foot street width as more Dubois frontage. The assessed value of this lot is \$260 in the County Court House. Appraisal by the Fort Wayne Board of Realtors recently gave a value of \$1,600 as is, without any opinion of additional value of his lot originating from his acquiring the south half width of Pennsylvania Street by the vacating of this street west of Dubois.

REPORT ON THE 5th INTERNATIONAL SYMPOSIUM

RUSH

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

Date _____

To _____

Subject _____

PLANNING - ADVICE OF INDIANIAN ST. 17-11-5 (SECTION 101477)

CONTRACTS AND/OR A DEVELOPING FOR THE OPERATION OF THE INDIANIAN STREET
FROM THE STREET TO THE FIRST ALLEY WEST OF LARSEN STREET.
THIS IS IN ACCORDANCE WITH THE CITY LIGHT & POWER BOARD'S REQUIREMENTS.
AS THE STREET IS CURRENTLY WITH THE CITY OF INDIANAPOLIS, INDIANAPOLIS, IND. 11.
THE STREET IS CURRENTLY INDIANAPOLIS WITH THE CITY OF INDIANAPOLIS.

Signed _____

Reply: _____

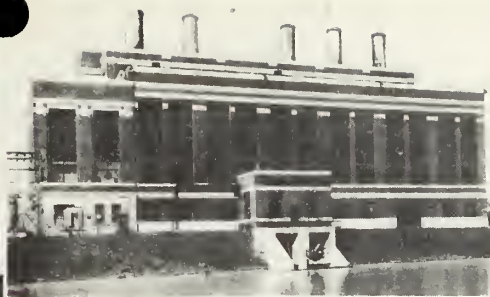
Signed _____

SENDER: REMOVE & KEEP 2ND COPY — RECEIVER: ANSWER KEEP 3RD COPY & RETURN 1ST COPY TO SENDER

FILTRATION PLANT



POWER PLANT



SEWAGE TREATMENT PLANT



CITY UTILITIES

PHONE A-7441

308 E. BERRY STREET

F O R T W A Y N E 2 , I N D I A N A

30.124-58

April 17, 1958

Board of Public Works
City Hall
Fort Wayne, Indiana

Gentlemen: Subject: City Light and Power Works' Petition to Vacate
the 133 Feet West End Portion of Pennsylvania St.

Needed expansion of City Light's Dubois Substation will require the acquisition of additional land adjacent to the present Dubois Substation.

The land south of the Substation appears best suited for our expansion and it has been recommended by Associate City Attorney, William Merrill, that we proceed as a first step in our needed land acquisition with the vacation of the stub end of Pennsylvania Avenue west of Dubois Street.

If the Pennsylvania Avenue vacation is accomplished, City Light as one of the abutting property owners would obtain a parcel of land 20 x 133 feet and Mr. Frankenstein, the other abutting property owner, would obtain the remaining 20 x 133 foot parcel.

City Light would then be in a position to acquire by condemnation or negotiated purchase the present land owned by Mr. Frankenstein plus the parcel obtained by Frankenstein upon the vacation of the stub end of Pennsylvania Avenue.

Attached you will find Mr. MacKay's report on this proposed land acquisition together with a map which we hope will provide the Board with all the information for the commencement of vacation proceedings.

Sincerely,

Fred Feustel
Fred Feustel
General Superintendent

gk
Attachments (2)

cc: Mr. Wm. Merrill
Mr. C. W. MacKay

REPORT ON EXPANSION OF DUBOIS SUBSTATION

By: C. W. MacKay
March 20, 1958
Revised April 9, 1958

1. Existing building and outdoor transformers are within a wire fenced enclosure about 80 feet along Dubois Street by 133 feet back from Dubois Street. The property is at the northwest corner of Dubois intersection with Pennsylvania Street, Lots #35 and #36 of White's Second Edition. (See drawing from City Engineer's Office, sheet 95 attached).
2. A 14 feet wide unpaved alley runs north-south, parallel to Dubois Street, being in the rear of our Dubois Substation. This alley is west (rear) boundary of our property, and of all other properties that front on the west side of Dubois, between Maumee Avenue and the south extremity of Dubois Street at McDonald Street.
3. Pennsylvania Street (west bound) crosses Dubois Street and ends at the east line of the aforesaid alley next west of Dubois. Pennsylvania Street width here is 40 feet. It widens to 50 feet east bound at the alley next east of Dubois Street.
- 3a Pittsburgh Street, 40 feet wide which is the next street north of Pennsylvania, also crosses Dubois Street westward, and ends at the east line of the aforesaid alley next west of Dubois.
- 3b Winch Street, which is the next street north of Pittsburgh, also crosses Dubois Street westward, but continues on westward; it crosses Wabash Avenue and ends against Grant Avenue, which is the street next west of Wabash Avenue.
- 3c Wabash Avenue extends north from Wayne Trace on the south, to Washington Boulevard on the north. It crosses Winch Street and Maumee Avenue, en route.
- 3d There is an east-west alley, between Maumee and Winch, running west bound from Dubois. There is also an east-west alley, between Winch and Pittsburgh, running westbound from Dubois. There is no west bound alley from Dubois anywhere between Pittsburgh and Pennsylvania.
4. The south end of Dubois is somewhat unusual. Old maps show that it ran south to end against McDonald Street, which ran eastward along the north edge of Wabash Railroad right of way, from Fletcher Avenue eastward to Kitch Avenue.
5. As conditions now exist, there are return curbs in the east and west curbs of Wabash Avenue, just north of the railroad right-of-way at Wabash Avenue. These curbs correspond to the old position of McDonald Street. However, McDonald Street is now vacated in irregular fashion as shown on sheet 95 of City Engineer's map. There is a metal plating works on the east side of Wabash Avenue, adjacent (next north) to the north line of the railroad.

REPORT ON EXPANSION OF DUBOIS SUBSTATION

6. Dubois Street, also the alley next west of Dubois, now end southward, at an excellent 18 to 20 feet wide concrete paved east-west alley that lies adjacent (next north) to the property of the plating company, which is located on east side of Wabash Avenue, just north of the Wabash Railroad crossing of Wabash Avenue.
7. The final 133 foot run of Pennsylvania Street, westward from Dubois Street to the alley next west of Dubois is ungraded, unsurfaced and is not used by vehicles from said alley for any vehicle entry eastward into Dubois Street. These alley vehicles have access to Dubois and to Wabash Avenue via Winch Street or Pittsburgh Street, or the east-west alley that connects Wabash Avenue to Dubois Street at the south end of Dubois Street. Also the alleys mentioned in 3d.
- 7a Subject #7 above is dealt with in advance of the recommendation of this report, to indicate that our proposal to close the west end of Pennsylvania Street from Dubois Street westward to the alley next west of Dubois may meet with some remonstrance by property owners at addresses 1345-1423 Wabash Avenue, being about a dozen houses whose garages (if usable) open onto the alley next west of Dubois - but who do not use present west end of Pennsylvania Street for entry to either Wabash Avenue or Dubois Street. See item 7. Some of the house owners on west side of Dubois Street, north of our Substation, may also object.
8. City Utilities needs to acquire more land at Dubois Substation to increase the electrical facilities there to properly serve the users in the related area, including needed additional service to the all-important City Sewage Treatment Plant on Dwenger Avenue.
9. Consideration has been given to idea of acquiring two 40 foot frontage lots (1414 and 1418 Dubois Street - Lots 33 and 34) next north of our substation, on the west side of Dubois Street. Each of these is 133 feet deep and contains a substantial house of fairly recent date and it is my opinion that it would take \$20,000 to acquire these two properties, with little credit by selling the houses for removal. This might be our last resort, but an alternate plan of lesser cost is submitted as our recommendation, namely:
10. Begin legal action to vacate the westerly end of Pennsylvania Street, west of Dubois Street, being 133 feet in length by 40 feet wide, extending for 133 feet westward from Dubois Street to the east line of the 14 foot alley next west of Dubois Street.
11. Under 10 above City Utilities would acquire the north half of the 40 x 133 foot area vacated, same being adjacent south against our present south fence of substation. The south half of the area vacated would go to the owner (Mr. B. J. Frankenstein) of the 40 foot front by 133 foot deep corner lot (Lot #37) on the west side of Dubois Street, being the lot adjacent to the south line of Pennsylvania Street proposed to be vacated.
12. Mr. Frankenstein was contacted by the writer last Fall about selling us his lot #37. He said he would sell it for \$5,000 and stated that his price included his recognition of our favorable position that if we bought his land we could vacate Pennsylvania Street and thereby acquire the full 40 feet street width as more Dubois frontage. The assessed value of this lot is \$280 in the County Court House. Appraisal by the Fort Wayne Board of Realtors recently gave a value of \$1,600 as is, without any opinion of additional value of his lot originating from his acquiring the south half width of Pennsylvania Street by the vacating of this street west of Dubois.

REPORT ON EXPANSION OF DUBOIS SUBSTATION

13. Discussion with Mr. W. B. Merrill, Associate City Attorney, indicates advisability of vacating the street as the first step in our project, rather than buying Mr. Frankenstein's lot as first operation. In the latter case we would depend on our position thereafter as 100% owner on both sides of the last 133 feet of west end of Pennsylvania Street, in any proceedings for vacating same.
14. If remonstrances as indicated in 7a should prevent vacating Pennsylvania Street as proposed, we would not be interested in acquiring the Frankenstein lot, as we would not want the enlarged substation to be split by a legal street.
15. It seems fair to assume that Mr. Frankenstein will not oppose the vacating of Pennsylvania Street as we propose, because it would make his lot more attractive to us after the vacating of the street was accomplished.
16. Since this project is in the nature of a necessity rather than merely a convenience to City Utilities, it is to be observed that applicability of condemnation proceedings to this situation could be a deterrent to any potential future increase in the asking price for the lot beyond the verbal quotation of \$5,000 given to the writer by Mr. Frankenstein last Fall.
17. Discussion with Traffic Engineer J. White dealt with a former project to continue Pennsylvania Street westward into Hayden Street, etc. as an East-West Throughway for the City. This project was discarded several years ago in favor of present proposal to make Taylor Street - New Haven Avenue become the main traffic artery east-west. That makes a local neighborhood matter out of any westward extension of Pennsylvania Street. I doubt that property owners in this neighborhood would agree to the assessment attendant upon extending Pennsylvania Street westward, even as far as Wabash Avenue. Tokheim is well served by Wabash Avenue into Wayne Trace, to the south; likewise via Maumee Avenue or Washington Street, located northerly from their buildings on each side of Wabash Avenue, south of Wabash Railroad.

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

38-384-1

B. O. # 184-'58

Date May 15, 1958

To Mr. Edward Green, City Engineer

Subject Declaratory - 971-1958 Pennsylvania Street

For the Vacation of Pennsylvania Street from the west property line of Dubois Street to the east property line of the first alley west of Dubois Street.

Prepare Assessment Roll of Benefits and Damages.

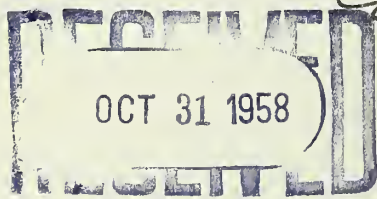
S/ B. J. Swanson
S/ John Cooper
S/ Orin M. Darling
BOARD OF PUBLIC WORKS

JLH:c

Signed Encl. Res. & P. O. List

Reply: 10-29-58

Completed and attached.



Edward Green
Edward Green
City & Administrative Engr.

Signed _____

SENDER: REMOVE & KEEP 2ND COPY — RECEIVER: ANSWER KEEP 3RD COPY & RETURN 1ST COPY TO SENDER.

Warranty Deed

This Indenture Witnesseth, That BERNARD J. FRANKENSTEIN and MARIAN L.

FRANKENSTEIN, his wife, both over the age of twenty-one

of Allen County, in the State of Indiana

Convey and Warrant to THE CITY OF FORT WAYNE, INDIANA, an Indiana Municipal Corporation

of Allen County, in the State of Indiana, for and in consideration

of two-thousand (\$2,000.00) Dollars,

the receipt whereof is hereby acknowledged, the following described Real Estate in Allen County in the State of Indiana, to-wit:

Lot numbered thirty-seven (37) in White's Second Addition to the City of Fort Wayne, according to the plat thereof as recorded in Deed Record numbered fifty-five (55), at page five-hundred-eight (508) of the records in the office of the recorder of Allen County, Indiana, together with any vacated part of Pennsylvania Street adjoining said real estate,

Subject to the taxes for the year 1957, payable in 1958 and to all subsequent years, and to all assessments for public improvements which became a lien after April 30th, 1958

DULY ENTERED FOR TAXATION

In Witness Whereof, The said grantors

have hereunto set their hands and seals, this 1st day of July 19 58

Bernard J. Frankenstein

Marian L. Frankenstein

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

City of Fort Wayne
Indiana



LEGAL DEPARTMENT
PAUL W. PHILIPS
WILLIAM F. McNAGNY
RICHARD T. DOERMER

June 5 1958

Board of Public Works
City Hall
Fort Wayne, Indiana

Re: Abstract of Title to Lot Number 37 in White's
Second Addition to the City of Fort Wayne,
Allen County, Indiana.

Gentlemen:

I have examined the abstract of title to the above described real estate, which is last certified to date of May 19, 1958, at 8:00 A. M. by Allen County Abstract Company under Certificate No. 3413, and find a merchantable title in the name of BERNARD J. FRANKENSTEIN, subject to the following:

1. This real estate adjoins Pennsylvania Street on the North and, as you know, said Pennsylvania Street has been vacated from the West property line of Dubois Street to the East property line of the first alley West of Dubois Street under Declaratory Resolution 971 which was confirmed May 15, 1958. By reason of such vacation confirmation the title owner of the above described real estate has acquired one-half of said vacated Pennsylvania Street and by the terms of the offer to and acceptance by Mr. Bernard J. Frankenstein, this vacated portion of Pennsylvania Street becomes a part of the real estate under such offer and acceptance. The deed, therefore, to the City of Fort Wayne should contain a description of this vacated portion of Pennsylvania Street as well as of the real estate described above.

2. I call your attention to the zoning ordinance of the City of Fort Wayne in effect March 1, 1955, limiting the use of the real estate and the construction of improvements on it. The real estate is classified into an "R-2" Zone and is limited in use to the types contained in such classification.

3. I find the following taxes: For the year 1957 May installment \$7.84 and November installment \$7.84. For the year 1958 the taxes are a lien but the amount is not yet computed. By the terms of your offer to purchase, the City is to assume these taxes.

June 5 1958

The plat of this real estate shows it to have a frontage on Dubois Street of 40 feet and an indefinite depth. The plat also shows it to adjoin a public way of some nature on the north, having a width of 40 feet. It also shows it to adjoin on the rear a public way of undetermined width. Reference is made to Item 20 of the abstract concerning the opening-vacation proceedings not directly affecting this real estate but setting out a plat thereof, which plat establishes this real estate to have a frontage of 40 feet on Dubois Street, a depth of 133 feet, the North line of which adjoins Pennsylvania Avenue, and the rear line abutting an alley 14 feet in width. I assume these dimensions and locations to be correct since they appear to have been prepared by the City Engineer of the City of Fort Wayne.

Title is abstracted to date and time first shown above and any transactions affecting title since that date and time are not covered by this opinion. The rights of any person or persons in possession should be determined. Unpaid bills for materials or labor furnished this real estate within sixty days prior to date of last abstract certificate could ripen into mechanic's liens. The existence, if any, and location of utility lines furnishing service to this real estate are not shown by the abstract and should be determined by you. It is my understanding that this real estate is unimproved and that there probably would be no utility charges for utility services against it; however, if you deem it necessary, this should be checked.

The following procedure is suggested in the closing of this transaction:

1. Determine if councilmanic approval has been given for this purchase; if not, then an ordinance authorizing this purchase should be introduced in Council.
2. A proper warranty deed, containing sufficient federal documentary stamps, executed by the owner and his spouse, setting forth the proper grantee (City of Fort Wayne in its utility capacity) should be delivered to you together with a proper closing affidavit.
3. When the above have been complied with and the consideration paid, the deed should immediately be recorded.
4. A letter should then be addressed to the Auditor of Allen County setting forth the purchase and requesting the removal of this real estate from the tax duplicates.

Very truly yours,

William B. Merrill,
Associate City Attorney

38-384-1

B. O. # 184-'58

May 15, 1958

Mr. Edward Green, City Engineer

Declaratory - 971-1958 Pennsylvania Street

For the Vacation of Pennsylvania Street from the west property line of Dubois Street to the east property line of the first alley west of Dubois Street.

Prepare Assessment Roll of Benefits and Damages.

S/ E. J. Swanson

S/ John Cooper

S/ Orin M. Darling

BOARD OF PUBLIC WORKS

JLM:c

Encl. Res. & P. O. List

OFFER TO PURCHASE

Fort Wayne, Indiana

April 24, 1958

To Bernard J. Frankenstein and Marion Frankenstein,
Fort Wayne, Indiana

The CITY OF FORT WAYNE, INDIANA, an Indiana municipal corporation, by and through its Board of Public Works, does hereby offer to purchase from you the property known as:

Lot Number 37 in White's Second Addition
to the City of Fort Wayne, Allen County,
Indiana, together with any vacated part
of Pennsylvania Street adjoining said
real estate,

for the sum of Two Thousand (\$2,000.00) Dollars in cash to be paid upon the delivery of a good and sufficient warranty deed and conditioned upon the following:

1. This offer to purchase is conditioned solely upon the vacation of Pennsylvania Street from the west property line of Dubois Street to the first alley west of Dubois Street; City of Fort Wayne, Indiana, agrees to process vacation proceedings to conclusion but in the event said proceedings result in said portion of Pennsylvania Street not being vacated, then this offer to purchase shall become null and void.

2. This offer is further based upon a good merchantable title to be evidenced by complete and properly prepared abstract of title certified to ^{the date hereof} ~~approximate date of delivery of warranty~~ deed, to be furnished by the owners of said property within ^{thirty} ~~ten~~ (30) days after ^{the date hereof} ~~vacation of said portion of Pennsylvania Street~~ ~~is completed.~~

3. Possession is to be given upon the delivery of said deed. City of Fort Wayne, Indiana, will assume the taxes of the year 1957 due and payable in the year 1958 and all assessments and liens for municipal improvements which are completed after this date.

OFFER TO PURCHASE

Fort Wayne, Indiana

April 24, 1958

To Bernard J. Frankenstein and Marion Frankenstein,
Fort Wayne, Indiana

The CITY OF FORT WAYNE, INDIANA, an Indiana municipal corporation, by and through its Board of Public Works, does hereby offer to purchase from you the property known as:

Lot Number 37 in White's Second Addition to the City of Fort Wayne, Allen County, Indiana, together with any vacated part of Pennsylvania Street adjoining said real estate,

for the sum of Two Thousand (\$2,000.00) Dollars in cash to be paid upon the delivery of a good and sufficient warranty deed and conditioned upon the following:

1. This offer to purchase is conditioned solely upon the vacation of Pennsylvania Street from the west property line of Dubois Street to the first alley west of Dubois Street; City of Fort Wayne, Indiana, agrees to process vacation proceedings to conclusion but in the event said proceedings result in said portion of Pennsylvania Street not being vacated, then this offer to purchase shall become null and void.

2. This offer is further based upon a good merchantable title to be evidenced by complete and properly prepared abstract of title certified to ~~approximate date of delivery of warranty deed~~ *the date hereof*, to be furnished by the owners of said property within ~~ten~~ *thirty* ~~(10) days after vacation of said portion of Pennsylvania Street is completed.~~ *the date hereof*

3. Possession is to be given upon the delivery of said deed. City of Fort Wayne, Indiana, will assume the taxes of the year 1957 due and payable in the year 1958 and all assessments and liens for municipal improvements which are completed after this date.

DECLARATORY

~~Improvement~~ Resolution No. 971-1958 For ~~Improving~~ THE VACATION OF PENNSYLVANIA STREET FROM THE WEST PROPERTY LINE OF DUBOIS STREET TO THE EAST PROPERTY LINE OF THE FIRST ALLEY WEST OF DUBOIS STREET.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	BARFELL, JAMES E. & MYRTLE F	1404 Dubois		29			WHITES 2 nd ADD.
2	WIGGINS, RUSSELL E. & MARIANNE	1408		30			"
3	RUPP, ROBERT L. & VIRGINIA A.	2056 Washington - Columbus, Ohio.		31			"
4	FRANKENSTEIN, BERNARD J.	5214 Mc Clellan		32, 37, 40			"
5	BERNING, WILLIAM C.	804 Pemberton		33			"
6	M'COMB, WILLIAM H. Sr. & ELLA L.	1418 Dubois		34			"
7	CITY OF FORT WAYNE	1413 3523 E State		35, 36			"
8	KLEEMEIER, JOHN G	304 E Berry (City Hall)		38, 39			"
9	THE HOUSING AUTHORITY OF FORT WAYNE	1506 Dubois		41			"
10		1825 Dubois					
11							
12	The change of address was given to Mr Karbach 11/10/58;						
13	when he went to 5219 Mc Clellan St. to serve the notice.						
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							

APPROVED AND ORDERED

May 2, 1958
By: Beryl R.
Notary Public

TOTAL

NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, **May 2, 1958**

971

To Robert L. & Virginia A. Rupp
5219 Mc Clellan Street
Fort Wayne, Indiana.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did
Declaratory **971-1958**
pass Improvement/Resolution No.
providing for the **vacation of Pennsylvania Street from the west property line of**
Dubois Street to the east property line of the first alley west of Dubois Street.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed..... **Thursday, May 15, 1958 - 7:30 P.M. , (DST)**
a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

Lot 31 Whites 2nd A ddition

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

J. L. HALLETT, Secretary

BOARD OF PUBLIC WORKS

CITY HALL

FORT WAYNE 2, INDIANA



not a no order

Returned
TO
Writer
Do not remail in this envelope
Unclaimed

*Not in
Dir
or
P. Book*

*11/10/58 -
2056 Wallham
Columbus 21, Ohio*